

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



October 29, 2003

ALL COUNTY LETTER NO. 03-56

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CIVIL RIGHTS COORDINATORS

**REASON FOR THIS TRANSMITTAL**

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS - Policy Clarification

**SUBJECT: REQUIREMENTS FOR LANGUAGE SERVICES****REFERENCE: MANUAL OF POLICIES AND PROCEDURES, DIVISION 21**

This ACL serves to clarify the responsibilities of County Welfare Departments under California Department of Social Services (CDSS) regulations in providing effective language services with respect to six areas: 1) Bilingual Staffing, 2) Interpreter Services, 3) Minors Used as Interpreters, 4) Use of Translated Forms, Notices and Materials, 5) Informing Signs, and 6) Documentation.

1. **Bilingual Staffing**: Pursuant to Manual of Policies and Procedures (MPP) Division 21-115.1, counties are required to have qualified and certified bilingual public contact staff who speak the languages spoken by a substantial number of clients and who serve those non- or limited-English-speaking clients, including clients who use American or other sign language. A substantial number is five percent of the clients served in a program at an office.

For example, in the local office of a county where clients are applying for and/or receiving Food Stamps and seven percent of those clients speak Tagalog, seven percent of the public contact staff in each job classification in the Food Stamp Program in that office must be certified Tagalog-speaking staff to serve the Tagalog-speaking clients. Counties may have different percentages of non-English-speaking staff at each separate office, and the number of bilingual staff must be determined for each separate office. In addition, counties must measure the substantial number by individual language, not language groups (i.e., Southeast Asian languages).

2. Interpreter Services: Pursuant to MPP Division 21-115.15 and .16, when a non- or limited-English-speaking client population is less than a substantial number (less than five percent) in a program at a location, counties must offer and provide interpreter services, upon request, in the language the client has specified for oral communication. This means that if a client comes to the office, is contacted by telephone, or is visited in his or her home, and speaks limited or no English, and has requested an interpreter, an interpreter must be provided. For example, in a county with a small Russian-speaking population where bilingual staffing is not required, when a Russian-speaking client's child is removed from her home as a result of alleged abuse, and the client requests an interpreter, the county is required to provide a Russian-speaking interpreter when communicating with the client—by phone or in person.

Interpreter services can be provided in person or by phone using a bilingual staff person who is acting as an interpreter, a contracted interpreter, an interpreter from an outside agency, or a family member or friend.

3. Minors Used as Interpreters: Pursuant to MPP Division 21-115.16, counties are prohibited from using minor children as interpreters except temporarily under extenuating circumstances or at the specific request of the client. Extenuating circumstances may include using a minor child to determine the language of the adult so that an appropriate interpreter or bilingual staff person could be called, or when the adult is experiencing a medical emergency.
4. Use of Translated Documents: Pursuant to MPP Division 21-115.2, when a county uses a form, notice or other written material required by CDSS in the county's delivery of services, benefits and programs, and that translated form, notice or other written material has been provided by CDSS, the county must use the translated form, notice or material when serving a non- or limited-English-speaking client.

This rule regarding use of translated written materials provided by CDSS applies regardless of the number of non- or limited-English-speaking clients who are served by the county. For example, in a county with less than 5 percent Chinese-speaking clients, the Application for Social Services (SOC 295) that has been translated into Chinese by CDSS must be provided in Chinese to the Chinese-speaking applicants. The same rule applies whether Chinese is less than 5 percent or 5 percent or more: When the translated document is a required form and is provided by CDSS, counties must provide the translated form.

In addition, if using a translated notice of action, any added information that is unique to the recipient of the notice must be in the language of the client. This means that an explanation of the action that is not printed on the notice must be in the language of the notice. If the notice of action is translated into a non-English language, the informing notice on the reverse side (NA Back) must also be in the translated language.

5. Informing Signs: Pursuant to MPP 21-107.211 and .212, counties must post a sign that informs clients that they may request assistance in their primary language. That requirement can be met by using the Pub 86 poster “Everyone is Different, but Equal Under the Law.” However, counties are encouraged to also post separate “I Speak” posters inviting non-English-speaking clients to easily identify their language.

In addition to the signs offering translation services, if a particular county office serves a substantial number of clients who speak a non-English language, all directional and instructional signs must be translated and posted in that particular language. For example, if a county office that serves a substantial number of Spanish-speaking clients posts a sign stating “Employment Classes Every Thursday at 6 p.m.,” the county must also have a sign in Spanish stating “Clases de Empleo Cada Jueves a las 6 p.m.”

6. Documentation: Pursuant to MPP Division 21-116.2, counties are required to ask clients their preferred language for oral and written communication and document the preferred language(s) in the client’s file. Once known, the county is then required to document the following information or actions regarding language services in a client’s file:
  - a. Client’s acceptance or refusal of written material in his/her language after asking the client’s preference.
  - b. How bilingual services are provided. If, for example, a bilingual staff person is used, it must be documented in the file.
  - c. Temporary use of a minor as an interpreter, and the circumstances requiring temporary use of the minor.
  - d. That the county informed a client providing his or her own interpreter of the potential problems for ineffective communication.
  - e. Client consent to the release of information to the interpreter if the county uses an interpreter other than a county employee.

This documentation is assessed when the Civil Rights Bureau does its periodic compliance review. In addition, if a client complains that he or she did not receive appropriate language services, this documentation could provide evidence of the client’s preferred language for oral and written communication and that language services were provided.

Each of these important areas related to effective language services is addressed in the civil rights compliance reviews which take place according to MPP Division 21-201. Staff and manager interviews, site visits and case file reviews are performed to determine full compliance with the requirements of state regulations.

If you have questions about translated forms, notices, or materials, you may contact Language Services, at (916) 445-6778, or go to the Language Services web page at [http://www.dss.cahwnet.gov/cdssweb/FormsandPu\\_274.htm](http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm). If you have questions regarding this letter, you may contact Christine Webb-Curtis, Chief, Civil Rights Bureau, at (916) 654-2107.

Sincerely,

JEANNE RODRIGUEZ  
Deputy Director  
Human Resources Management Division

bc:	JR File	17-04
	JR Chron	17-04
	CRB File	15-70
	CRB Chron	15-70